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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.
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09/685,707 10/10/00 O QUIN

T UNR6053P0310

EXAMINER

PM82/0829

ROCKEY, MILNAMOW & KATZ, LTD.
SUITE 4700
TWO PRUDENTIAL PLAZA
180 NORTH STETSON AVENUE
CHICAGO IL 60601

BARTZ, C	
ART UNIT	PAPER NUMBER

3613

DATE MAILED:

08/29/01

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner of Patents and Trademarks

09685707-101000

Office Action Summary

Application No.

09/685,707

Applicant(s)

G'QUIN

Examiner

C. Bartz

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— The MAILING DATE of this communication appears on the cover sheet with the correspondence address —

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE three MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136 (a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 6/12/01
- 2a) ☐ This action is FINAL. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 35 C.D. 11; 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above, claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claims _____ are subject to restriction and/or election requirements.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are objected to by the Examiner.
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. § 119

- 13) ☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).
- a) ☐ All b) ☐ Some* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- *See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

Attachment(s)

- 15) ☒ Notice of References Cited (PTO-892) 18) ☐ Interview Summary (PTO-413) Paper No(s) _____
- 16) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 19) ☐ Notice of Informal Patent Application (PTO-152)
- 17) ☒ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 20) ☐ Other:

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Part III DETAILED ACTION

Claim Rejections - 35 USC § 112 - 2

1. **Claim(s) 1 - 7 is(are) rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.**

For example, and as to parent claim 1: applicants claim in the preamble line 1 "A wheeled conveyance of a type designed to be moved...along a supporting surface, the wheeled conveyance having a metal chassis..." , and for example in places such as line 5; applicants then claim the metal chassis being grounded to the supporting surface.

It becomes unclear from the discrepancy in the preamble (A wheeled conveyance of a type designed to be moved...along a supporting surface - which is a statement of intended use), and the positive grounding of part of the conveyance to a part of the supporting surface; whether applicant intends to claim the subcombination of just the conveyance, or the combination of the conveyance and the supporting surface.

Applicant could overcome this indefinite type rejection and particularly claim the subcombination, by inserting an appropriate phrase in all the

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necessary places: such as for example using the phrase -- adapted to be grounded --; in place of the phrase "grounded", in line 5.

The dependent claims are rejected under 35 USC 112 as incorporating the defects of the claims from which they depend.

2. Claim(s) 1 is(are) rejected under 35 U.S.C. § 103 as being unpatentable over Pullen in view of Takahashi.

Pullen discloses all the structure of the claimed device (see line 59):
except for an elongate member. Takahashi is relied upon merely to show that it is known in the art to provide elongate member 4. It would have been obvious to one having ordinary skill in the art at the time the invention was made to have provided the sweeper of Pullen with a elongate member such as that disclosed in Takahashi, in order to provide a conductive path to the floor (see the end of column 2).

3. Claim(s) 2 - 7 is(are) rejected under 35 U.S.C.

4. § 103 as being unpatentable over Pullen in view of Takahashi and further in view of Warlop.

Pullen in view of Takahashi discloses all the structure of the claimed device: except for an elongate member with the limitations of applicants claims

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2 - 5. Warlop discloses the some critical limitations of applicants claims 2 - 5 in the second line of column 3. It would have been an obvious matter of design choice dependent on the requirements of the utilization of the wheeled conveyance to have the specific implettation of polymeric, polyvinyl chloride, flexible, tubular qualities; all of which are disclosed in Warlop, in order to accomodate specific implementation. It is maintained that in such an arrangement as Pullen in view of Takahashi, the selection of the parameters disclosed by Warlop is well within the capability of a routineer in the art.

Conclusion

5. In Wray, note the wheels, each of which must necessarily have an axle.

6. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Examiner Bartz whose telephone number is (703)308 - 2564. The examiner can normally be reached on Mondays thru Fridays from 8:30 am to 3:30 pm. (clifford.bartz@uspto.gov) [Fax - (703)308 - 3519]

If attempts to reach the examiner by telephone are unsuccessful; a message may be left at the Group Receptionist, whose telephone number is (703) 308 - 1113).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Bob Oberleitner, can be reached on (703) 308 - 2569.

Any further inquiry of a general nature or relating to the status of this application may also be directed to the Group Receptionist, whose telephone number is (703) 308 - 1113.

Clifford T. Bartz
Examiner
Art Unit 3613 - August 21, 2001

Summary:

Total claims = 1 - 7
Rejected claims = 1 - 7